

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

7X CATTLE CO. LLC,

Plaintiff,

V.

DANIEL BRANDSTADT, et al.,

Defendants.

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Case No. 6:22-cv-396-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition pursuant to 28 U.S.C. § 636. Before the Court is Plaintiff 7X Cattle Company's motion to dismiss Defendant Daniel Brandstadt's counterclaims with prejudice. Docket No. 83. Also before the Court is Defendant Brandstadt's request—including in his answer to Plaintiff's amended complaint—to dismiss Plaintiff's amended complaint for failure to comply with the local rules. Docket No. 61 at 1. On February 1, 2024, Judge Mitchell issued a Report recommending that the Court grant Plaintiff's motion to dismiss Defendant Brandstadt's counterclaims and deny Defendant Brandstadt's request to dismiss Plaintiff's amended complaint. Docket No. 83. No objections were filed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 83) as the findings of this Court. Plaintiff 7X’s motion to dismiss Brandstadt’s counterclaims (Docket No. 69) is **GRANTED** in part. Defendant Brandstadt’s counterclaims are **DISMISSED** without prejudice. Defendant Brandstadt may file an amended counterclaim within twenty-one days from entry of this order. Additionally, the Court **DENIES** Daniel Brandstadt’s request to dismiss 7X Cattle Company’s amended complaint for failure to comply with Local Rules.

**So ordered and signed on this**  
Feb 21, 2024

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE